

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Johnathan D. Simmons,

PLAINTIFF

v.

Governor Henry McMaster, Brian P
Stirling, Dennis Patterson,

DEFENDANTS.

Case No. 8:20-cv-02745-TLW

Order

Plaintiff Johnathan D. Simmons, proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 8.

After reviewing the Complaint, the magistrate judge issued a proper form order notifying Plaintiff of deficiencies in his suit and providing the Plaintiff the opportunity to remedy the deficiencies and submit certain required paperwork. Plaintiff failed to respond to the order or otherwise cure the deficiencies. In the Report, the magistrate judge recommends that Plaintiff's case be dismissed without prejudice under Rule 41(b) for failure to prosecute due to his failure to respond to the order, despite being informed of the potential consequences of doing so. Plaintiff did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify,

in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 8, is **ACCEPTED**. This action is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

September 18, 2020
Columbia, South Carolina